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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,293	02/04/2000	Ronald Roscoe Bush	AT9-97-308B	8618

7590 05/28/2003

BRACEWELL & PATTERSON, LLP
INTELLECTUAL PROPERTY LAW
P.O. BOX 969
AUSTIN, TX 78767-0969

EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/498,293

Applicant(s)

BUSH, RONALD ROSCOE

Examiner

John M Winter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Status

Claim 15 remains pending

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

The applicant's arguments entered on February 27, 2003 have been fully considered.

As per claim 15.

The applicant states that nothing within either the Rosen or the Merrit reference that suggests that there would be any advantage to transmitting a second check

The examiner responds that it is not necessary that the references actually suggest expressly or in so many words the changes or improvements that the applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. *In re Scheckler*, 168 USPQ 716 (CCPA 1971).

The applicant states that no references discloses the feature of "transmitting a second copy of the encrypted check over an unsecure link"

The examiner submits that this feature in the amended claim 15 is not allowable in view of the newly discovered reference to Martin (US Patent 6,390,362). See following rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (US Patent 5,848,400) in view of Arnold et al (US Patent 4,558,176) and further in view of Rosen (US Patent 6,047,067) and further in view of Merritt (US Patent 5,475,756) and further in view of Martin (US Patent 6,390,362).

As per claim 15

Chang ('400) discloses a method of processing an electronic check, comprising: receiving an electronic check at a business; transmitting a first copy of said electronic check to a payor's bank and a second copy of said electronic check to a payee's bank; decoding said first copy of said electronic check at said payor's bank. (Abstract, Figure 1) Chang does not explicitly disclose "encrypted using a one-time pad", Arnold et al ('176) discloses "encrypted using a one-time pad", (column 24, lines 24-32). It would be obvious to one of ordinary skill in the art at the time of the invention to utilize a one-time pad because this prevents adversaries from cracking codes that are reused.

Chang does not explicitly disclose "authenticating said electronic check; transmitting said first copy of said electronic check to a clearinghouse with a payment authorization. Rosen ('067) discloses "authenticating said electronic check; (column 3, lines 50-54) transmitting said first copy of said electronic check to a clearinghouse with a payment authorization.", (column 3, lines 64-67). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Chang method with Rosen's teaching in order to allow the completion of a financial transaction while reducing the possibility of fraud..

Rosen ('067) discloses the claimed invention except for transmitting said second copy of said electronic check to said clearinghouse, It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit a second copy of the electronic check to the clearinghouse, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Chang does not explicitly disclose "comparing said first copy of said electronic check to said second copy of said electronic check; and responsive to determining that said first copy of said electronic check matches said second copy of said electronic check, processing a transaction transferring funds from said payor's bank to said payee's bank. Merritt ('756) discloses "comparing said first copy of said electronic check to said second copy of said electronic check; and responsive to determining that said first copy of said electronic check matches said second copy of said electronic check, processing a transaction transferring funds from said payor's bank to said payee's bank", (column 7, lines 17-34, Figure 4). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Chang method with Merritt's teaching in order to allow the completion of a financial transaction while reducing the possibility of fraud.

Chang does not explicitly disclose "over an unsecure communications link" Martin ('362). discloses "over an unsecure communications link; (column 9, lines 3-14). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Chang method with Martin's teaching in order to reduce the overhead involved by utilizing the internet as an inexpensive and effective means of communication.

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Conclusion

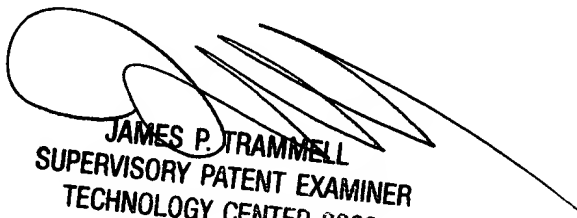
Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW
May 19, 2003


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600